

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) ECF Case
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This document relates to:

Federal Insurance Co., et al. v. Al Qaida, et al., Case No. 03-cv-06978
Vigilant Insurance Co., et al. v Kingdom of Saudi Arabia, et al., Case No. 03-cv-08591
Pacific Employers Insurance, et al. v. Kingdom of Saudi Arabia, et al., Case No. 04-cv-7216
Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp. et al., Case No. 03-cv-09849
Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al., Case No. 02-cv-06977
Euro Brokers Inc., et al., v. Al Baraka, et al., Case No. 04 Civ. 7279
Estate of John P. O'Neill, Sr., et al. v. Kingdom of Saudi Arabia, Case No. 04-cv-1922
Cantor Fitzgerald & Co., et al. v. Akida Bank Private., Ltd., et al., Case No. 04-CV-7065
Continental Casualty Co., et al. v. Al Qaeda, et al., Case No. 04-cv-5970

**AFFIRMATION OF SEAN P. CARTER TRANSMITTING EVIDENCE
IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION
FOR RELIEF FROM THE FINAL JUDGMENTS ENTERED IN FAVOR OF
THE KINGDOM OF SAUDI ARABIA AND SAUDI HIGH COMMISSION
FOR RELIEF OF BOSNIA & HERZEGOVINA**

Sean P. Carter affirms as follows:

1. I am an attorney admitted to practice *pro hac vice* in the above-captioned matter, and a member of the law firm Cozen O'Connor. I submit this Affirmation to transmit to the Court the following documents submitted in support of Plaintiffs' Reply in Support of their Motion for Relief from the Final Judgments in Favor of the Kingdom of Saudi Arabia and Saudi High Commission for Relief of Bosnia & Herzegovina ("SHC").

2. Attached hereto as Exhibit 1 is a true and correct copy of the Affirmation of Senator Bob Graham, submitted on the basis of his experience as a long-time member of the Senate Select Committee on Intelligence and co-chair of the Joint Congressional Inquiry into the September 11th Attacks, to address statements in the defendants' Memorandum of Law in

Opposition of Plaintiffs' Motion for Relief of Final Judgments. In the Affirmation, Senator Graham expresses his view, based on his experiences as co-chair of the Joint Inquiry and other sources of information, "that there was a direct line between at least some of the terrorists who carried out the September 11th attacks and the government of Saudi Arabia, and that a Saudi government agent living in the United States, Omar Bayoumi, provided direct assistance to September 11th hijackers Nawaf al Hazmi and Khalid al Mihdhar." Senator Graham's Affirmation further states that "[a]nother issue deserving of further attention and investigation concerns the involvement of Saudi based charities in the provision of financial and other support to al Qaeda, and the precise character of the relationships between those charities and the government of the Kingdom."

3. Attached hereto as Exhibit 2 is a true and current copy of the Affirmation of Senator Bob Kerrey, a Member of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission). In the Affirmation, Senator Kerrey points out that the Kingdom's Memorandum of Law contains several misleading statements concerning the investigation and findings of the 9/11 Commission relative to possible Saudi culpability for the sponsorship of al Qaeda and the events of September 11, 2001. "To the extent the Kingdom and SHC offer those statements in support of the proposition that the 9/11 Commission fully exonerated Saudi Arabia and any Saudi government charities for any potential culpability for the financing and emergence of al Qaeda or the events of September 11, 2001 ... the Kingdom and SHC are incorrect." Senator Kerrey's Affirmation further states that "significant questions remain unanswered concerning the possible involvement of Saudi government institutions and actors in the financing and sponsorship of al Qaeda." According to Senator Kerrey, "the American public deserves a more comprehensive inquiry into the issue."

4. Attached as Exhibit 3 is a copy of the “Matrix of Threat Indicators for Enemy Combatants,” used by the U.S. military’s “Joint Task Force at Guantanamo” to determine a detainee’s “capabilities and intentions to pose a terrorist threat if the detainee were given the opportunity.” Exhibit 3 at p. 1. The Matrix of Threat Indicators identifies the Saudi High Commission for Relief as one of the organizations within a list of “terrorists and terrorist support entities” and indicates that “through associations with these groups and organizations, a detainee may have provided support to al Qaeda or the Taliban, or engaged in hostilities against U.S. or coalition forces.” Exhibit 3 at pp. 15-17.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Affirmation of Ali Ahmed Ali Hamad, a confessed al Qaeda member and former employee of the SHC. On the basis of his personal experiences as a member of al Qaeda and employee of the SHC, Hamad states in his Affirmation that “I can attest that the Saudi High Commission was extensively involved in supporting al Qaida’s operations in Bosnia both before and after the Bosnian war.” Exhibit 4, ¶ 41 at p. 7.

6. Attached hereto as Exhibit 5 is a true and correct copy of a 1996 CIA Report concerning the involvement of Islamic charities in terrorist activities in Bosnia. The Report identifies the following Saudi-based charities as among the organizations that “employ members or otherwise facilitate the activities of terrorist groups operating in Bosnia:” al Haramayn Islamic Foundation; International Islamic Relief Organization (IIRO); and the Saudi High Commission. Exhibit 5 at pp. 4-5, 7-8, 12.

7. Attached hereto as Exhibit 6 is a true and correct copy of a Defense Intelligence Agency Report released in response to a Freedom of Information Act request, indicating that General Mohammad Farah Hassan Aideed, the al Qaeda affiliated Somali warlord responsible

for the massacre of U.S. military personnel during the battle of Mogadishu, “receiv[ed] weapon shipments from the Saudi Arabian High Commission for Relief,” and that the SHC has “been the conduit supplying military weaponry to SNA forces in Mogadishu.” Exhibit 6 at p 1.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Joint Task Force at Guantanamo’s detainee assessment for Saber Mahfouz Lahmar, a one time employee of the SHC. The assessment identifies Lahmar as a “HIGH risk, as he is likely to pose a threat to the U.S., its interests and allies” based, in part, on the grounds that the SHC “is a [National Intelligence Priorities Framework] Priority 4 Terrorist Support Entity (TSE) have available resources and are in a position to provide financial support to terrorist organizations willing to attack US persons or interests, or provide witting operational support to Priority 4 terrorist groups. Exhibit 7, p. 2 and 3, n. 3.

9. Attached hereto as Exhibit 8 is a true and correct copy of an Expert Report prepared by the German Federal Office of Criminal Investigation at the request of the Office of Prosecutor of the U.N.’s International Criminal Tribunal for the Former Yugoslavia. The Expert Report documents that the SHC transferred at least \$28,500,000.00 from its own accounts to the Third World Relief Agency (TWRA) during a nine (9) month period. Exhibit 8, p. 12. According to the Final Report of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”), the TWRA was one of the ostensible charities Osama bin Laden used to fuel al Qaeda’s growth and development. 9/11 Final Report at p. 58, available at <http://www.911commission.gov/report/911Report.pdf>.

10. Attached hereto as Exhibit 9 is a copy of an “audit” allegedly conducted by the Bosnian government of the SHC and referenced by the Kingdom and SHC in their consolidated motion to dismiss at p. 7. The so-called audit, which is in fact a document called “Minutes”

relating to an apparent audit, indicates that based on “the inspection of available documentation on financial operation, as well as of fund raising and expenditure of the Humanitarian Organization Saudi High Commission for Relief for BiH from the Kingdom of Saudi Arabia ... for the period from 1998 to 2001 inclusive, it has been established that this organization is not in possession of structured business books demanded under the Law on Accountancy,” and that “it had not been making the annual or semi-annual accounting records, or financial reports (balance of records and balance of achievements) for the period concerned. In addition to this, in the procedure of inspection and investigation it was found that the Humanitarian Organization Saudi High Commission for Relief for BiH from the Kingdom of Saudi Arabia ... had not been performing harmonization of accounting of funds and obligations to sources of funds with the actual status that is being determined by drawing an inventory, following the regulations of Article 23 of the Law on Accountancy.” Exhibit 9 at p. 5

Executed from Philadelphia, Pennsylvania on February 24, 2012.

/s/
Sean P. Carter, Esquire